UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/673,957	09/29/2003	Craig Nevill-Manning	24207-10063	3799

62296   7590   05/06/2009
GOOGLE / FENWICK
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ART UNIT	PAPER NUMBER
2179	

MAIL DATE	DELIVERY MODE
05/06/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _30 January 2009_.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1,4,9,16-18 and 20-30_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1,4,9,16-18 and 20-30_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

A.   This action is in response to the following communications: Amendment filed:

1/30/09. This action is made **Final**.

B.   Claims 1, 4, 9, 16-18, 20-30 remain pending.

C.   Claims 1, 16, 18, 20 and 23 are amended.

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for

all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

2.   Claims 1,4-9,16-18 and 20-30 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Hess et al. (US Patent 6,058,417) in view of Sciammarella et al

(US 5,982,369), herein referred to as "Hess" and "Sciammarella" in further view of

Emens et al. (US Pat. 7,076,443 B1), herein referred to as "Emens".

As for independent claim 1, Hess teaches in a product search engine, a method for

displaying search results in response to a search query comprising: obtaining a product

search query generated by a user (col.2, line 23); obtaining search results comprising a

set of links, each of the links being associated with a web document determined to be

responsive to the query (col.2, lines 23-27); and displaying the set of links on a search

result page in an order corresponding to a relevance ranking and according to a

selected one of a plurality of user-selectable formats (figure 9A; item 960 as depicted

are options presented to the user "Current", "New Today", "Ending Today", "Completed"

and "Going, Going, Gone" links to sort the current user's query to show a sorted

presentation based on relevance); wherein the plurality of user-selectable formats

includes a grid view and a list view, wherein the grid view is comprised of a plurality of

cells (col.9, lines 45-63; a text mode comprising a list of items for sale presented in a list

and a photo mode comprising a grid layout of items for sale that is presented to the user

(fig.1 and 9A), each cell displaying information corresponding to one product, and

every_ cell displaying information about a different product (figure 9A; depicted are a

plurality of cells (item 5), each cell being associated with one item for sale) and

displaying advertising on the search result page at a location specified by the selected

one of the plurality of user-selectable formats (col.9; lines 45-63; wherein the user is

presented with a plurality of items for sale from a plurality of users all competing to sell

items; hence advertising is taken place as the sellers are advertising items for sale).

Hess does not specifically mention only depicts in figure 9A displaying the set of links in

an order corresponding to a relevance ranking. However in the same field of endeavor

Sciammarella teaches displaying information representing search results in an order

corresponding to a relevance ranking (col.3, lines 1-19). It would have been obvious to

one of ordinary skill in the art to have combine Sciammarella into Hess, this is true

because Both Sciammarella and Hess teach that of displaying information to the user

based on a users search query, wherein the display of information is ordered and

presented in an organized format, such that Sciammarella presents a small variation of

how to add another functionality to the already extensive list of formats of Hess (note

Sciammarella co1.1, lines 34-47; col.2,1ines 2-30).

Hess in view of Sciammarella does not specifically teach advertising associated with the

product search query and distinct from the set of links. However in the same field of

endeavor Emens teaches advertising associated with the product search query and

distinct from the set of links (col.5, lines 44-64; col.6,lines 5-10 and 22-65); and

displaying the advertising on the search result page at a location specified by the

selected one of the plurality of user-selectable formats (col.5, lines 44-64; col.7,lines 37-

46). It would have been obvious to one of ordinary skill in the art at the time of the

invention to combine Emens into Hess as modified by Sciammarella, this is true

because Emens solves the problem reading user search queries, based on the queries

rendering to the display device results for the user to review further in a desired format

(col.2, lines 23-51).

As for dependent claim 4, Hess teaches the method of claim 1, further comprising:

for each of the set of links, generating a first set of cues for output in a first one of the

plurality of user-selectable formats, and generating a second set of cues for output in a

second one of the plurality of user-selectable formats (fig. 9A).

As for dependent claim 5, Hess teaches the method of claim 4, further comprising generating the first set of cues for output as a first type of media and the second set of cues as output as a second type of media (fig.9A).

As for dependent claim 6, Hess teaches the method of claim 4, further comprising generating the set of cues for output as text, and generating the second set of cues for output as a truncated version of the first set of cues (col.9, lines 45-63).

As for dependent claim 7, Hess teaches the method of claim 5, further comprising generating the set of cues for output as an image (fig.9A).

As for dependent claim 8, Hess teaches the method of claim 5, further comprising generating the first set of cues for output as audio (col.8, lines 36-59).

As for dependent claim 9, Hess teaches the method of claim 5, further comprising generating the first set of cues for output as text (col.8, lines 61-67 and col.9).

As for independent claim 16, Hess teaches in a product search engine, a method for displaying search results comprising: generating a set of search results in response to a search query (col.2, lines 23-27); and displaying the set of search results in an order corresponding to a relevance ranking (figure 9A; item 960 as depicted are options

presented to the user "Current", "New Today", "Ending Today", "Completed" and "Going, Going, Gone" links to sort the current user's query to show a sorted presentation based on relevance), as a grid of two or more columns on a search result page, in response to user selection and customization of a grid view, and wherein the grid view is comprised of a plurality of cells, each cell displaying information corresponding to one product, and every_ cell displaying information about a different product (col.8, lines 61-67 and col.9) and displaying advertising on the search result page at a location specified by the selected one of the plurality of user-selectable formats (col.9; lines 45-63; wherein the user is presented with a plurality of items for sale from a plurality of users all competing to sell items; hence advertising is taken place as the sellers are advertising items for sale).

 Hess does not specifically mention only depicts in figure 9A displaying the set of links in an order corresponding to a relevance ranking. However in the same field of endeavor Sciammarella teaches displaying information representing search results in an order corresponding to a relevance ranking (col.3, lines 1-19). It would have been obvious to one of ordinary skill in the art to have combine Sciammarella into Hess, this is true because Both Sciammarella and Hess teach that of displaying information to the user based on a users search query, wherein the display of information is ordered and presented in an organized format, such that Sciammarella presents a small variation of how to add another functionality to the already extensive list of formats of Hess (note Sciammarella co1.1, lines 34-47; col.2,1ines 2-30).

Hess in view of Sciammarella does not specifically teach advertising associated with the

product search query and distinct from the set of links. However in the same field of
endeavor Emens teaches advertising associated with the product search query and
distinct from the set of links (col.5, lines 44-64; col.6,lines 5-10 and 22-65); and
displaying the advertising on the search result page at a location specified by the
selected one of the plurality of user-selectable formats (col.5, lines 44-64; col.7,lines 37-
46). It would have been obvious to one of ordinary skill in the art at the time of the
invention to combine Emens into Hess as modified by Sciammarella, this is true
because Emens solves the problem reading user search queries, based on the queries
rendering to the display device results for the user to review further in a desired format
(col.2, lines 23-51).

As for dependent claim 17, Hess teaches the method of claim 16, further comprising
displaying an associated picture for one or more of the results in the set of search
results (fig.9A).

As for independent claim 18, Hess teaches in a specialized search engine, a method for
outputting specialized search results comprising: generating a set of search results in
response to a search query (col.2, lines 23-27); outputting a first set of cues for one of
the set of search results in an order corresponding to a relevance ranking, upon
selection of a grid view output mode by a user, wherein the grid view is comprised of a
plurality of cells, each cell displaying information corresponding to one product (figure
9A; item 960 as depicted are options presented to the user "Current", "New Today",

"Ending Today", "Completed" and "Going, Going, Gone" links to sort the current user's query to show a sorted presentation based on relevance), and every_ cell displaying information about a different product; and outputting a second set of cues for the one of the set of search results in the order corresponding to the relevance ranking, upon selection of a list view output mode by the user (col.8, lines 61-67 and col.9) and outputting advertising for display on the results page at a location determined responsive to the output mode selected by the user (col.9; lines 45-63; wherein the user is presented with a plurality of items for sale from a plurality of users all competing to sell items; hence advertising is taken place as the sellers are advertising items for sale).. Hess does not specifically mention only depicts in figure 9A displaying the set of links in an order corresponding to a relevance ranking. However in the same field of endeavor Sciammarella teaches displaying information representing search results in an order corresponding to a relevance ranking (col.3, lines 1-19). It would have been obvious to one of ordinary skill in the art to have combine Sciammarella into Hess, this is true because Both Sciammarella and Hess teach that of displaying information to the user based on a users search query, wherein the display of information is ordered and presented in an organized format, such that Sciammarella presents a small variation of how to add another functionality to the already extensive list of formats of Hess (note Sciammarella co1.1, lines 34-47; col.2,1ines 2-30).

Hess in view of Sciammarella does not specifically teach advertising associated with the product search query and distinct from the set of links. However in the same field of endeavor Emens teaches advertising associated with the product search query and

distinct from the set of links (col.5, lines 44-64; col.6,lines 5-10 and 22-65); and

displaying the advertising on the search result page at a location specified by the

selected one of the plurality of user-selectable formats (col.5, lines 44-64; col.7,lines 37-

46). It would have been obvious to one of ordinary skill in the art at the time of the

invention to combine Emens into Hess as modified by Sciammarella, this is true

because Emens solves the problem reading user search queries, based on the queries

rendering to the display device results for the user to review further in a desired format

(col.2, lines 23-51).

As for independent claim 20, Hess teaches an apparatus for searching a database in

response to a search query comprising: a storage area to store a set of instructions; and

a processor, coupled to the storage area, to execute the instructions which cause the

processor to: obtain a set of search results from a database in response to a query

(col.2, lines 23-27); and generate the set of search results for output in an order

corresponding to a relevance ranking and in a first format (figure 9A; item 960 as

depicted are options presented to the user "Current", "New Today", "Ending Today",

"Completed" and "Going, Going, Gone" links to sort the current user's query to show a

sorted presentation based on relevance), wherein a first set of cues are output for one

of the set of search results in response to user selection of a grid view, wherein the grid

view is comprised of a plurality of cells, each cell displaying information corresponding

to one product, and every_ cell displaying information about a different product; and

generate the set of search results for output in the order corresponding to the relevance

ranking and in a second format, wherein a second set of cues are output for one of the

set of search results in response to user selection of a list view (col.8, lines 61-67 and

col.9) and generate advertising for display on the search result page at a location

specified by the selected one of the plurality of user-selectable formats (col.9; lines 45-

63; wherein the user is presented with a plurality of items for sale from a plurality of

users all competing to sell items; hence advertising is taken place as the sellers are

advertising items for sale).. Hess does not specifically mention only depicts in figure 9A

displaying the set of links in an order corresponding to a relevance ranking. However in

the same field of endeavor Sciammarella teaches displaying information representing

search results in an order corresponding to a relevance ranking (col.3, lines 1-19). It

would have been obvious to one of ordinary skill in the art to have combine

Sciammarella into Hess, this is true because Both Sciammarella and Hess teach that of

displaying information to the user based on a users search query, wherein the display of

information is ordered and presented in an organized format, such that Sciammarella

presents a small variation of how to add another functionality to the already extensive

list of formats of Hess (note Sciammarella co1.1, lines 34-47; col.2,1ines 2-30).

Hess in view of Sciammarella does not specifically teach advertising associated with the

product search query and distinct from the set of links. However in the same field of

endeavor Emens teaches advertising associated with the product search query and

distinct from the set of links (col.5, lines 44-64; col.6,lines 5-10 and 22-65); and

displaying the advertising on the search result page at a location specified by the

selected one of the plurality of user-selectable formats (col.5, lines 44-64; col.7,lines 37-46). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Emens into Hess as modified by Sciammarella, this is true because Emens solves the problem reading user search queries, based on the queries rendering to the display device results for the user to review further in a desired format (col.2, lines 23-51).

As for dependent claim 21, Hess teaches the apparatus of claim 20, wherein the first set of cues and second set of cues differ with respect to an amount of text included in each (fig.1 and 9A).

As for dependent claim 22, Hess teaches the apparatus of claim 21, wherein the instructions which cause the processor to generate the set of search results for output in a first format comprise displaying the set of search results in a grid format, wherein at least one of the set of search results includes a pictorial representation of a product associated with that result (fig.9A).

As for independent claim 23, Hess teaches a product search engine system comprising: means for generating product-related search results in an order corresponding to a relevance ranking (figure 9A; item 960 as depicted are options presented to the user "Current", "New Today", "Ending Today", "Completed" and "Going, Going, Gone" links to

sort the current user's query to show a sorted presentation based on relevance), the

results displayed on a search result page in a first output format in response to user

selection of a grid format, wherein the grid format is comprised of a plurality of cells,

each cell displaying information corresponding to one product, and every cell displaying

information about a different product (fig.9A); and means for generating product-related

search results in the order corresponding to the relevance ranking, the results displayed

in a second output format in response to user selection of a list format (col.8, lines 61-

67 and col.9) and means for generating advertising for display on the search result page

at a location specified by the selected one of the plurality of user-selectable formats

(col.9; lines 45-63; wherein the user is presented with a plurality of items for sale from a

plurality of users all competing to sell items; hence advertising is taken place as the

sellers are advertising items for sale).. Hess does not specifically mention only depicts

in figure 9A displaying the set of links in an order corresponding to a relevance ranking.

However in the same field of endeavor Sciammarella teaches displaying information

representing search results in an order corresponding to a relevance ranking (col.3,

lines 1-19). It would have been obvious to one of ordinary skill in the art to have

combine Sciammarella into Hess, this is true because Both Sciammarella and Hess

teach that of displaying information to the user based on a users search query, wherein

the display of information is ordered and presented in an organized format, such that

Sciammarella presents a small variation of how to add another functionality to the

already extensive list of formats of Hess (note Sciammarella co1.1, lines 34-47;

col.2,1ines 2-30).

Hess in view of Sciammarella does not specifically teach advertising associated with the product search query and distinct from the set of links. However in the same field of endeavor Emens teaches advertising associated with the product search query and distinct from the set of links (col.5, lines 44-64; col.6,lines 5-10 and 22-65); and displaying the advertising on the search result page at a location specified by the selected one of the plurality of user-selectable formats (col.5, lines 44-64; col.7,lines 37-46). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Emens into Hess as modified by Sciammarella, this is true because Emens solves the problem reading user search queries, based on the queries rendering to the display device results for the user to review further in a desired format (col.2, lines 23-51).

As for dependent claim 24, Hess teaches the product search engine system of claim 23, wherein the first output format includes displaying the product-related search results in a grid format comprising two or more columns (fig. 9A).

As for dependent claim 25, Hess teaches the method of claim 1, wherein the relevance ranking comprises a numerical value corresponding to a calculated relevance of each document determined to be responsive to the query (figure 9A; item 960 as depicted are options presented to the user "Current", "New Today", "Ending Today", "Completed" and "Going, Going, Gone" links to sort the current user's query to show a sorted

presentation based on relevance).

As for dependent claim 26, Hess teaches the method of claim 12, wherein the relevance ranking comprises a numerical value corresponding to a calculated relevance of each search result determined to be responsive to the product search (figure 9A; item 960 as depicted are options presented to the user "Current", "New Today", "Ending Today", "Completed" and "Going, Going, Gone" links to sort the current user's query to show a sorted presentation based on relevance).

As for dependent claim 27, Hess teaches the method of claim 16, wherein the relevance ranking comprises a numerical value corresponding to a calculated relevance of each search result determined to be responsive to the query (figure 9A; item 960 as depicted are options presented to the user "Current", "New Today", "Ending Today", "Completed" and "Going, Going, Gone" links to sort the current user's query to show a sorted presentation based on relevance).

As for dependent claim 28, Hess teaches the method of claim 18, wherein the relevance ranking comprises a numerical value corresponding to a calculated relevance of each search result determined to be responsive to the query (figure 9A; item 960 as depicted are options presented to the user "Current", "New Today", "Ending Today", "Completed" and "Going, Going, Gone" links to sort the current user's query to show a sorted presentation based on relevance).

As for dependent claim 29, Hess teaches wherein the grid view comprises a rectangular

matrix of rows and columns forming a plurality of cells (figure 9).

As for dependent claim 30, Hess teaches wherein the location of the displayed

advertising is user configurable (column9, lines 45-63; user chooses a list view or grid

view).

(Note :)   It is noted that any citation to specific, pages, columns, lines, or figures in the prior art references and
any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it
contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. In
re Heck, 699 F.2d 1331, 1332-33, 216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re Lemelson, 397 F.2d 1006, 1009, 158
USPQ 275, 277 (CCPA 1968)).

Response to Arguments

Applicant's arguments with respect to claims 1, 4, 9, 16-18, 20-30 have been

considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Inquires

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Nicholas Augustine whose telephone number is 571-

270-1056 and fax is 571-270-2056. The examiner can normally be reached on Monday

- Friday: 9:30am- 5:00pm Eastern.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Weilun Lo can be reached on 571-272-4847. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Steven B Theriault/   /Nicholas Augustine/
Primary Examiner, Art Unit 2179   Examiner
                                                      Art Unit 2179
                                                      5/1/2009